

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

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Aljuan C. Hixon,

Case No. 06-Civil 1548 (RHK/JSM)

Plaintiff,

v.

City of Golden Valley,  
Dennis Arons,  
Mario Hernandez,  
David Kuhnly, and  
Christine McCarville,

**PLAINTIFF'S PROPOSED  
ADDITIONAL  
JURY INSTRUCTION**

Defendants.

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COMES NOW the Plaintiff, Al Hixon, and requests that the Court give the following Jury Instruction, in addition to those the Court has already stated its intention to provide. The additional instruction is necessary in light of the testimony elicited from Plaintiff's treating physicians that Plaintiff's background may make him particularly vulnerable to post-traumatic stress disorder caused by police use of force, and their testimony regarding Plaintiff's alleged sensitivity to traumatic events.

**PRE-EXISTING CONDITION—EGGSHELL PLAINTIFF DOCTRINE**

A person who has a fragile psyche or who is predisposed to suffer psychological injuries as the result of a traumatic event is still entitled to recover damages for any psychological injuries directly caused by such an event.

The person is entitled to recover even though the psychological injuries or damages he suffers as the result of a traumatic event differ from the injuries or damages

the event would have caused in someone without the person's fragile psyche or predisposition to suffer psychological injuries. See Jenson v. Eveleth Taconite Co., 130 F.3d 1287, 1294-95 (8<sup>th</sup> Cir. 1997) (citations omitted) (holding that “[i]n Minnesota, it is well-settled that a tortfeasor is liable for all of its natural and proximate consequences. In other words, foreseeability does not limit an award of money damages. This includes damages assessed against a tortfeasor for [psychological] harm caused to a plaintiff who happens to have a fragile psyche”); Minn. Dist. Judges Ass'n, Minnesota Practice, Jury

Respectfully submitted,

Dated: September 11, 2007 PARKER ROSEN, LLC

By: s/Andrew D. Parker

Andrew D. Parker #195042  
Anthony G. Edwards #342555  
133 First Avenue North  
Minneapolis, Minnesota 55401  
Telephone: (612) 767-3000

ATTORNEYS FOR PLAINTIFF